

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

In the Matter of:

Parlin Post Office
Parlin, Colorado 81239

Docket No. A2012-102

**ANSWER OF THE UNITED STATES POSTAL SERVICE IN OPPOSITION TO
BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON,
COLORADO'S OBJECTION TO THE MOTION OF THE UNITED STATES
POSTAL SERVICE FOR LATE ACCEPTANCE OF COMMENTS REGARDING
APPEAL.**

(February 29, 2012)

Pursuant to 39 CFR 3001.21, the Postal Service respectfully files its Answer in Opposition to the Board of County Commissioners of the County of Gunnison, Colorado's Objection to the Motion of the United States Postal Service for Late Acceptance of Comments Regarding Appeal.

On February 22, 2012, the Postal Service filed its Comments Regarding Appeal. On the same day, the Postal Service filed a Motion for Late Acceptance of Comments Regarding Appeal. The Comments and accompanying motion were filed four business days after the due date of February 15, 2012.¹ On February 28, 2012 the Board of County Commissioners of the County of Gunnison, Colorado (the County) filed an Objection to the Motion of the United States Postal Service for Late Acceptance of Comments Regarding Appeal.

¹ February 20, 2012 was a federal holiday.

Preparation of the Postal Service Comments required review of: (a) the administrative record consisting of 185 pages, including, *inter alia*, a Proposal, revised Proposal and Final determination, 25 hand-written customer questionnaires, Postal Service response letters, and Postal Service analyses of the Community Meeting and Customer Questionnaires; and (b) five appeals and a notice of intervention, each of which raised diverse concerns and issues regarding the final determination to close the Parlin Post Office. In addition to reading and digesting the entire written record, Postal Service counsel, who is new to Commission practice, consulted with field personnel (in a different time zone) to clarify facts and events described in the record, as well as to discuss the issues raised by petitioners. In preparing the Comments, counsel consulted with other Postal Service counsel experienced in addressing the issues involved in discontinuance proceedings. The time required was simply longer than anticipated.

As a matter of course, the Postal Service has not objected to participants' untimely filings in numerous other matters before the Commission, and in particular in Post Office discontinuance appeals, which often involve *pro se* litigants. Indeed, there have been few problems in other discontinuance appeals, even when the participants or the Postal Service have submitted pleadings several days out of time.

The County makes no claim that it was prejudiced by the filing of the Postal Service Comments on February 22, 2012. Moreover, any such claim can

easily be remedied. Should the County or a petitioner seek additional time to file reply briefs to the Postal Service submission, the Postal Service will not oppose such request.

In sum, the Postal Service respectfully requests that the County's Objection to the Motion of the United States Postal Service for Late Acceptance of Comments regarding Appeal be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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